

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

KATHERINE STEPHENS,

Plaintiff,

v.

WAL-MART STORES EAST, L.P.,

Defendant.

No. 3:10-CV-387
PHILLIPS/GUYTON
JURY DEMANDED

AMENDED COMPLAINT

Comes now the Plaintiff, **KATHERINE STEPHENS**, by and through her attorney, and sues the Defendant and respectfully shows this Honorable Court:

1. The names and addresses of the parties are as set forth in the caption and are otherwise *sui juris*.
2. That on July 31, 2009, at approximately 10:45 a.m., the Plaintiff Katherine Stephens was a business invitee at the Wal-Mart store in Sevierville, Tennessee, she had completed her purchases and was leaving the store, when suddenly without warning, she slipped on the linoleum floor, which was wet, creating a dangerous condition for customers, and proximately causing Plaintiff to fall and sustain serious injuries.
3. That Wal-Mart knew, or should have known, of the dangerous condition, the water on the floor, and that it was not noticeable to customers. That Wal-Mart failed to alert customers of the water on the floor, failed to place

“wet floor” or “caution” signs in the area, and failed to provide a safe environment for its customers.

4. That Wal-Mart was negligent in failing to provide a safe shopping environment, keeping the floor free from slippery and dangerous substances, and providing the necessary warning signs keeping said store safe for customer traffic.

5. That Plaintiff further avers the Defendant is guilty of common law negligence by failing to maintain a safe environment for its invited guests, proximately causing Plaintiff's accident.

6. That Plaintiff further avers she fell and slid across the floor sustaining excruciating and painful injuries with multiple bruises and abrasions, significant bruising to her left elbow, injury to her lower back, and more particularly, a torn meniscus in her left knee, and she has a permanent, partial disability to the body as a whole.

7. That as a result, Plaintiff's left knee required reconstructive surgery, that she participated in extensive rehabilitative therapy, that she developed a large, painful Baker's cyst on the back of her left knee, that she is permanently restricted from climbing stairs, and that she has a permanent, partial disability to her body as a whole and will have in the future.

8. That as result, Plaintiff injured her lower back and now suffers from spondylolisthesis at L3 and L4 and a diminished disc space at L5. Plaintiff had no prior back injuries and she is now advised she has an arthritic back. Plaintiff has participated in extensive physical therapy.

9. That Plaintiff avers she has suffered great emotional, physical, mental pain and anguish, and verily believes she will suffer in the future, and has a permanent, partial disability to the body as a whole.

10. That Plaintiff further avers that she has been deprived the right to enjoy her life, free from injuries, that she has lost the ability to climb stairs, and that her body has been permanently, partially impaired.

11. That Plaintiff further avers that she has suffered substantial loss of wages and verily believes she will suffer loss of wages in the future.

12. That as a result of said accident, Plaintiff has incurred various and sundry expenses such as the cost of medical records and verily believes she will incur additional expenses in the future.

13. That as a result of said accident, Plaintiff has incurred various and sundry doctor, hospital, and prescription bills for treatment of said injuries, and verily believes she will incur additional medical expenses in the future.

WHEREFORE, Plaintiff Katherine Stephens demands a judgment against Defendant in the amount of \$140,000.00, the costs of this cause, discretionary and otherwise, and for attorney's fees.

Respectfully submitted,

By: s/ Jerry K. Galyon
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed on October 7, 2010. Notice of this filing will be send by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and all persons or parties not on the electronic filing receipt will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

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s/ Jerry K. Galyon
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